
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MARTIN M. CHAVEZ,

Petitioner,

v.

THE UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION AND
ORDER**

Case No. 2:09MC680 DAK


This matter is before the court on two motions. On August 4, 2009, Petitioner Martin M. Chavez filed a Motion to Quash Third-Party IRS Summons. On October 5, 2009, Defendant United States of America's (the "United States") filed a Motion to Dismiss Pursuant to Rule 12(b)(1), (5), and (6), or Alternatively, for Summary Denial. Petitioner has failed to respond to the United States's Motion to Dismiss, and the time for doing so has expired. The court has carefully reviewed Motion to Quash the Third-Party Summons and the motion and memoranda filed by the United States. Pursuant to local rule 7-1(f), the court has concluded that oral argument would not be helpful or necessary, and thus the court will determine the motions on the basis of the written memoranda. *See* DUCivR 7-1(f).

The court agrees with the United States that the court lacks jurisdiction over claims related to record keepers not found within this district. In addition, Petitioner has failed to properly serve the United States. Thus, for both these reasons, the court must dismiss the Petition.

Accordingly, IT IS HEREBY ORDERED that the United States' Motion to Dismiss Pursuant to Rule 12(b)(1), (5), and (6) [Docket # 3] is GRANTED, and Mr. Chavez's Petition to Quash a Third-Party IRS Summons [Docket # 1] is DISMISSED for lack of jurisdiction. The Clerk of Court is directed to close this case.

DATED this 19th day of November, 2009.

BY THE COURT:



DALE A. KIMBALL
United States District Judge